

AMENDED IN SENATE SEPTEMBER 2, 2003

AMENDED IN SENATE JUNE 19, 2003

AMENDED IN ASSEMBLY MAY 8, 2003

AMENDED IN ASSEMBLY APRIL 23, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1469**

**Introduced by Assembly Member Negrete McLeod**

February 21, 2003

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An act to ~~amend Sections 364, 366, and 366.21 of~~ *add Sections 364.05 and 366.05 to* the Welfare and Institutions Code, relating to minors.

LEGISLATIVE COUNSEL'S DIGEST

AB 1469, as amended, Negrete McLeod. Dependent children: supplemental reports.

Existing law requires a social worker to file a specified supplemental report with the juvenile court at least 10 calendar days prior to a hearing concerning a dependent child who has not been removed from the physical custody of his or her parent or guardian. Existing law also requires that a copy of the report be furnished to all parties at least 10 calendar days prior to the hearing. Existing law further requires a social worker to file a supplemental report at least 10 calendar days prior to a status review hearing concerning a dependent child. In addition, the social worker is required to provide the parent or legal guardian and counsel for the child with a copy of the report at least 10 calendar days prior to the status review hearing.

This bill would ~~revise~~, *with respect to* the provisions requiring a social worker to furnish a copy of the supplemental reports to all parties at least 10 calendar days prior to the hearings described above ~~to~~, provide that, *only in Los Angeles County*, this may be accomplished by mailing the report at least 15 calendar days, or 20 calendar days, as specified, prior to the hearing. ~~The bill would make a conforming change.~~ The bill would also require the court, *only in Los Angeles County*, to grant a continuance not to exceed 10 calendar days upon request by any party or his or her counsel on the ground that the report was not provided at least 10 calendar days prior to the hearing, except as specified.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     ~~SECTION 1. Section 364 of the Welfare and Institutions~~
- 2     ~~SECTION 1. Section 364.05 is added to the Welfare and~~
- 3     ~~Institutions Code, to read:~~
- 4     364.05. *Notwithstanding Section 364, in a county of the first*
- 5     *class, a copy of the report required pursuant to subdivision (b) of*
- 6     *Section 364 shall be provided to all parties at least 10 calendar*
- 7     *days prior to the hearing. This may be accomplished by mailing the*
- 8     *report at least 15 calendar days prior to the hearing to a party*
- 9     *whose address is within the State of California, or at least 20*
- 10    *calendar days prior to the hearing to a party whose address is*
- 11    *outside the State of California. The court shall grant a reasonable*
- 12    *continuance, not to exceed 10 calendar days, upon request by any*
- 13    *party or his or her counsel on the ground that the report was not*
- 14    *provided at least 10 calendar days prior to the hearing as required*
- 15    *by this section, unless the party or his or her counsel has expressly*
- 16    *waived the requirement that the report be provided within the*
- 17    *10-day period or the court finds that the party's ability to proceed*
- 18    *at the hearing is not prejudiced by the lack of timely service of the*
- 19    *report. In making this determination, the court shall presume that*
- 20    *a party is prejudiced by the lack of timely service of the report, and*
- 21    *may find that the party is not prejudiced only by clear and*
- 22    *convincing evidence to the contrary.*
- 23    ~~SEC. 2. Section 366.05 is added to the Welfare and~~
- 24    ~~Institutions Code, to read:~~

366.05. Notwithstanding subdivision (c) of Section 366.21, in a county of the first class, any supplemental report filed in connection with a status review hearing held pursuant to subdivision (a) of Section 366 shall be provided to the parent or legal guardian and to counsel for the child at least 10 calendar days prior to the hearing. This may be accomplished by mailing the report at least 15 calendar days prior to the hearing to a party whose address is within the State of California, or at least 20 calendar days prior to the hearing to a party whose address is outside the State of California. The court shall grant a reasonable continuance, not to exceed 10 calendar days, upon request by any party or his or her counsel on the ground that the report was not provided at least 10 calendar days prior to the hearing as required by this section, unless the party or his or her counsel has expressly waived the requirement that the report be provided within the 10-day period or the court finds that the party's ability to proceed at the hearing is not prejudiced by the lack of timely service of the report. In making this determination, the court shall presume that a party is prejudiced by the lack of timely service of the report, and may find that the party is not prejudiced only by clear and convincing evidence to the contrary.

**All matter omitted in this version of the bill appears in the bill as amended in the Senate, June 19, 2003 (JR 11)**